

REMARKS/ARGUMENTS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

Applicant and the undersigned wish to thank Examiner Bradford and her supervisor for the courtesies extended during the telephone interview of December 17, 2007. The amendment noted during the interview is presented above and the arguments made during the interview are repeated herein for the record.

Claim 5 has been amended above in response to the Examiner's rejection under 35 USC 112, second paragraph. Entry of this amendment after final is respectfully solicited as reducing issues on appeal by removing the Examiner's formal rejection without raising any new issues requiring further consideration or search.

The Examiner noted that claim 5 recites the limitation "the range" which has insufficient antecedent basis. Claim 5 has been amended above to change "the range" to --a range--, to address the Examiner's concern.

Claims 1-8 and 10-12 were rejected under 35 USC 102(b) as being anticipated by Aquilina. Applicant respectfully traverses this rejection.

Anticipation under Section 102 of the Patent Act requires that a prior art reference disclose every claim element of the claimed invention. See, e.g., Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 806 F.2d 1565, 1574 (Fed. Cir. 1986). While other references may be used to interpret an allegedly anticipating reference, anticipation must be found in a single reference. See, e.g., Studiengesellschaft Kohle, G.m.b.H. v. Dart Indus., Inc., 726 F.2d 724, 726-27 (Fed. Cir. 1984). The absence of any element of the claim from the cited reference negates anticipation. See, e.g., Structural Rubber Prods. Co. v. Park Rubber Co., 749 F.2d 707, 715 (Fed. Cir. 1984). Anticipation is not shown even if the differences between the claims and the prior art reference are insubstantial and the missing elements could be supplied by the

knowledge of one skilled in the art. See, e.g., Structural Rubber Prods., 749 F.2d at 716-17.

In response to applicant's arguments, the Examiner has focused on the limitation to "flexible hanging". While applicant respectfully disagrees with the Examiner's interpretation of "flexible hanging", as discussed more fully below, it is respectfully noted that claim 1 includes many limitations in addition to "flexible hanging" that distinguish it from the Aquilina reference.

More specifically, claim 1 provides *inter alia* that the gate body has "on either side a strap hinge with a multiplicity of hinge members....which are guided by rollers in lateral guides". Claim 1 further provides that "each stiffening profile member... connects two respective associated hinge members". These features are discussed on page 9. Figure 2 is a side view of the strap hinge. Page 9 also makes reference to DE 19915376 as illustrating a typical strap hinge structure.

The cited Aquilina reference simply discloses an industrial gate comprised of stiff door panels linked to each other by pivoting bracket means or hinges. As such, Aquilina does not teach a strap hinge with a multiplicity of hinge members on either side of the gate body. No strap hinges are provided at all in Aquilina. Rather, the transversely extending pivot bracket which joins respective stiff panels are directly guided by rollers in the lateral guides. Thus, Aquilina relates to a fundamentally different structure than that provided in applicant's claim 1. Furthermore, while Aquilina teaches a hinge 10 extending across the gate body or discrete hinges, as in Figure 9, in neither case does Aquilina teach a multiplicity of stiffening profile members connecting two respective associated hinge members (of strap hinges). Thus, it is clear that Aquilina does not teach or suggest the basic structure defined in applicant's claim 1.

With regard to the Examiner's characterization of Aquilina as teaching a flexible hanging because the stiff panels are "flexible due to the hinges between each panel", it

is respectfully submitted that to those skilled in the art, "flexible" cannot be properly equated with hinged stiff panels. "Flexible" is understood to mean, for example, "easily bent", "pliable", "elastic". Indeed, the antonym of "flexible" is "stiff" or "rigid". The Examiner's attention is directed in this regard to In re Buszard, 84 USPQ2d, 1749 (CAFC 9/27/07).

It is further respectfully submitted that although the Examiner considers the gate body of Aquilina as a whole to be flexible by virtue of stiff panels connected by hinge members, that too is not what applicant has claimed. What applicant has claimed is a flexible hanging extending across stiffening profile members and affixed at each stiffening profile member. While, as noted above, applicant respectfully submits that Aquilina does not teach stiffening profile members as claimed connecting two respective associated hinge members of strap hinges, even if the transverse hinges 10 of Aquilina are characterized as stiffening profile members, Aquilina does not teach a flexible hanging affixed to such stiffening profile members. Rather, the structure the Examiner characterizes as a "flexible hanging" includes both the stiff panels and hinges so that the collective structure the Examiner has identified as a "flexible hanging" is not itself affixed to stiffening profile members.

As is apparent from the foregoing, Aquilina does not teach strap hinges with a multiplicity of hinge members on each side of a gate body, does not teach a multiplicity of stiffening profile members connecting to respective associated hinge members and does not teach a flexible hanging, much less a flexible hanging extending across stiffening profile members and affixed at each stiffening profile member.

For all the reasons advanced above, it is respectfully submitted that the claims presented are not anticipated by Aquilina.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

REJC

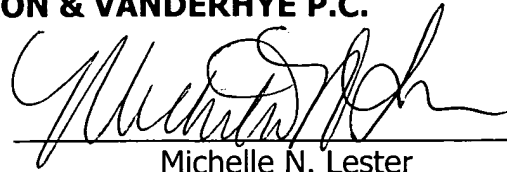
Appl. No. 10/523,631

December 18, 2007

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____

A handwritten signature in black ink, appearing to read "Michelle N. Lester", written over a horizontal line.

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